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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,504	09/22/2004	David McKimson	04992 (LC 0170 PUS)	5503
36014 7590 04/09/2007 ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			EXAMINER SPISICH, GEORGE D	
			ART UNIT	PAPER NUMBER
			3616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/711,504	Applicant(s) MCKIMSON, DAVID	
	Examiner George D. Spisich	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,3-15 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Upon further consideration and search, Examiner has rejected claimed subject matter stated to be allowable in the prior Office Action (mailed 1/12/07). For this reason, this action is Non-Final, and Examiner apologizes for any confusion and delay.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4,5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly added limitation to claim 1, that the guide member includes a releasable anchor extending therefrom, now makes claims 4 and 5 conflict with claim 1, since claim 4 and 5 recite the guide member having an aperture, which is not a releasable anchor "extending therefrom" as now claimed in claim 1.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 is unclear. The arrangement of the cosmetic side of the guide member and the inboard side of the panel member being "aligned" in the trim configuration is unclear.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4-10,12-15 and 21-23 rejected under 35 U.S.C. 102(e) as being anticipated by Schneider et al. (USPN 6,808,198).

Schneider et al. discloses a guiding pillar trim (113,110) for a side curtain airbag system (as this is a "curtain" airbag and mounted on the side of the vehicle) of a vehicle comprising a panel (113) for covering a vehicle body structure and a guide member (110) coupled to the panel and being movable between a trim configuration and a ramp configuration. The guide member in the ramp configuration directs the deployment of a side curtain airbag in a predetermined direction. The terms "ramp" and "guiding" are broad terms that are met by the arrangement of Schneider et al.

The guide member includes a releasable anchor (portion which engages 118b) extending therefrom. In cross sectional view (as shown in Figure 3), the guide member has at least one aperture formed therein. The panel has at least one releasable anchor

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(118b) for inserting into the aperture of the guiding portion and securing the guide portion in the trim configuration.

The guide member includes a "tether portion" (near 112) that extends therefrom for attaching to the panel and securing the guide member in the ramp configuration. The panel has a hole for receiving the tether member (the hole receives 114a with operatively receives the tether member).

The guide member in the ramp configuration directs deployment of the "side curtain" airbag generally away from the seat belt configuration.

The panel has a "deflecting" surface and the guide member has a "routing" surface and the surfaces are "generally aligned" (since this term is broad) in the ramp configuration.

The arrangement of Schneider et al. would have the "cosmetic surface" of the guide member and the "inboard surface" of the panel "generally aligned" as Examiner best understands the broad limitations of claim 14.

The guide member has a load receiving portion for receiving a load from the "side curtain airbag" and moving the member to the ramp configuration.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider et al. (USPN 6,808,198).

Schneider et al. has been discussed in the prior rejection. However, the arrangement of Schneider et al. (Figure 3) shows the panel have an extension for engaging a release anchor having an aperture of the guide member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the connection members, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

The reversal would provide an aperture (in cross section) in the panel for receiving a releasable anchor extending from the guide member.

Claims 1,3-5 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP10-138858 in view of Schneider et al. (USPN 6,808,198).

JP '858 has been discussed in the Office Action mailed 1/12/07.

JP '858 discloses a guiding pillar trim (34A,32A) for a side curtain airbag system of a vehicle comprising a panel (34A) for covering a vehicle body structure and a guide member (32A) coupled to the panel and being movable between a trim configuration and a ramp configuration. The guide member in the ramp configuration directs the deployment of a side curtain airbag in a predetermined direction. The portion (34A) covers a portion of the pillar.

When the airbag inflates and bends the guide portion (32A), it is considered that the guide portion (32A) guides/directs the deployment of the airbag.

Inherently, the arrangement of JP '858 would be position near a seat belt mechanism such that the seat belt mechanism is "adjacent" the trim member since it is well known to mount a seat belt to a pillar of a vehicle and therefore the seat belt mechanism would be "adjacent" the trim member.

However, JO '858 does not show a connection between the guide portion (32A) and the panel (34A).

Schneider et al. shows a pillar trim for guiding an airbag as it inflates from a vehicle pillar. The pillar trim (113) is connected to the guiding member (110) with a releasable anchor inserted (in cross section) into an aperture for securely retaining the portion together yet allowing the portion to be separated during inflation of the airbag. The structure of this releasable anchoring arrangement and how it relates to Applicant's invention has been discussed in the previous rejection.

It would have been obvious to one of ordinary skill in the art at the time the modify the arrangement of JP '858 by providing a releasable connection between the panel and guide member for securely retaining the member in the trim configuration and allowing for their separation during deployment of the airbag as taught by Schneider et al.



**Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Starner et al. (USPN 6,382,660), Rumpf et al. (USPN 5,899,528).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (571) 272-6676. The examiner can normally be reached on Monday-Friday 9:00 to 6:30 except alt. Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George D. Spisich  
April 1, 2007

  
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